

T-2223

Union Calendar No. 790

82d Congress, 2d Session

House Report No. 2503

REPORT

WITH RESPECT TO

THE HOUSE RESOLUTION AUTHORIZING THE
COMMITTEE ON INTERIOR AND INSULAR
AFFAIRS TO CONDUCT AN INVESTIGATION
OF THE BUREAU OF INDIAN AFFAIRS

PURSUANT TO H RES 698 (82d CONG)



DECEMBER 15, 1952 —Committed to the Committee of the Whole
House on the State of the Union and ordered to be printed
with illustrations

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON 1953

far as possible, in accordance with the procedure specified in section 10 of Article III. The election shall be supervised by the Superintendent of the United Pueblos Agency. Within seven days after such election, the Governor shall assume office, and the other executive and legislative officers shall be selected in accordance with the procedure specified in Article IV and V of this Constitution. The officers so elected or chosen shall remain in office until the selection and qualification of their successors in the next regular election.

ARTICLE VII—RATIFICATION

This Constitution, when adopted by a majority of the votes cast at a special election called by the Secretary of the Interior in which at least 30 percent of the members of the Pueblo 21 years of age or over shall vote, shall be submitted to the Secretary of the Interior, or his authorized representative, for approval and shall be effective from the date of such approval. The Constitution of the Pueblo may thereafter be amended or revoked in the manner provided by Article VIII thereof.

ARTICLE VIII—AMENDMENTS

This Constitution may be amended by a majority vote of the members of the Pueblo 21 years of age or over, voting for that purpose in an election called by the Secretary of the Interior, or his authorized representative, provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior, or his authorized representative. It shall be the duty of the Secretary of the Interior, or his authorized representative, to call an election on any proposed amendment at the request of a majority of the Council or upon receipt of a petition signed by at least one-third of the registered voters.

CERTIFICATION OF ADOPTION

Pursuant to an order approved March 7, 1947, by the Under Secretary of the Interior, the attached Constitution was submitted for ratification to the Indians of the Isleta Pueblo of New Mexico and was on March 23, 1947, duly adopted by a vote of 132 for, and 61 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

REMIJO JOJOLA,
Chairman, Election Board.
JUAN CARPIO,
Secretary, Election Board

ERIC T. HAGBERG,
Acting Superintendent, United Pueblos Agency

APPROVAL

I, C. Girard Davidson, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by

the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution of the Pueblo of Isleta.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution are hereby declared inapplicable to the Pueblo of Isleta.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution.

Approval recommended:

WILLIAM ZIMMERMAN, JR.,

Acting Commissioner of Indian Affairs

[SEAL]

C. GIRARD DAVIDSON,

Assistant Secretary of the Interior.

WASHINGTON, D. C., March 27, 1947.

4. SAMPLE CHARTER UNDER THE INDIAN REORGANIZATION ACT

CORPORATE CHARTER OF THE HAVASUPAI TRIBE OF THE HAVASUPAI RESERVATION, ARIZONA

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Havasupai Tribe of the Havasupai Reservation, Arizona, is a recognized Indian tribe organized under a Constitution and By-laws ratified by the tribe on January 13, 1939, and approved by the Secretary of the Interior on March 27, 1939, pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to said Tribe, subject to ratification by a vote of the adult Indians living on the Havasupai Reservation;

Now, therefore, I, Oscar L. Chapman, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Havasupai Tribe of the Havasupai Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Havasupai Reservation at an election in which at least 30 per cent of the eligible voters shall vote.

Corporate existence and purposes

1. In order to further the economic development of the Havasupai Tribe of the Havasupai Reservation in Arizona by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Havasupai Tribe of the Havasupai Reservation".

Perpetual succession

2. The Havasupai Tribe of the Havasupai Reservation shall, as a Federal corporation, have perpetual succession.

Membership

3 The Havasupai Tribe of the Havasupai Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved constitution and by-laws.

Management

4. The Havasupai Tribal Council established in accordance with the said constitution and by-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

Corporate powers

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and by-laws of the said Tribe, shall have the following corporate powers in addition to all powers already conferred or guaranteed by the tribal constitution and by-laws.

(a) To adopt, use and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interest in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Havasupai Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Havasupai Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sales contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Havasupai Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Havasupai Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to the regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48

Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe; *Provided*, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed \$2,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Arizona, including agreements with the State of Arizona for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation of a value in excess of \$5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe: *Provided*, That such agreements of pledge or assignment or extensions thereof other than an agreement with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any one source in any one year: *And provided further*, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and be sued in any courts of competent jurisdiction within the United States; but the grant of exercise of such power to sue and to be sued shall not be deemed a consent by said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels especially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Corporate Property

6. No property rights of the Havasupai Tribe of the Havasupai Reservation, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate

debts or liabilities, without such owner's consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Corporate Dividends

7. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may use all profits of corporate enterprises or income, over and above sums necessary to defray corporate operations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the Tribe, including the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity and the making of loans to members of the Tribe but no general distribution per capita of such profits or income shall be made.

Amendments

8. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least thirty percent of the eligible voters vote.

Ratification

9. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Havasupai Tribe of the Havasupai Reservation living on the Reservation, provided that at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Truxton Canon Agency and the Chairman of the Tribal Council of the Havasupai Tribe of the Havasupai Reservation.

Submitted by the Acting Secretary of the Interior for ratification by the Havasupai Tribe of the Havasupai Reservation.

[SEAL]

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

WASHINGTON, D. C., August 14, 1946.

CERTIFICATION

Pursuant to an order, approved August 14, 1946, by the Acting Secretary of the Interior, the attached Charter for the Havasupai Tribe of the Havasupai Reservation, Arizona, was submitted for ratification to the qualified members of the Havasupai Tribe and on October 5, 1946, was duly ratified by a vote of 24 for, and 21 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WEST SINYELLA,
Chairman, Havasupai Tribal Council
RFD WATAHOMIGIE,
Secretary, Havasupai Tribal Council.

THOMAS H. DODGE,
Superintendent, Truxton Canon Agency

5. OKLAHOMA INDIAN WELFARE ACT

AN ACT To promote the general welfare of the Indians of the State of Oklahoma, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to acquire by purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing Indian reservations, including trust or otherwise restricted lands now in Indian ownership: *Provided*, That such lands shall be agricultural and grazing lands of good character and quality in proportion to the respective needs of the particular Indian or Indians for whom such purchases are made. Title to all lands so acquired shall be taken in the name of the United States, in trust for the tribe, band, group, or individual Indian for whose benefit such land is so acquired, and while the title thereto is held by the United States said lands shall be free from any and all taxes, save that the State of Oklahoma is authorized to levy and collect a gross-production tax, not in excess of the rate applied to production from lands in private ownership, upon all oil and gas produced from said lands, which said tax the Secretary of the Interior is hereby authorized and directed to cause to be paid.

SEC. 2. Whenever any restricted Indian land or interests in land, other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner or owners, or if offered for sale at auction said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor.

SEC. 3. Any recognized tribe or band of Indians residing in Oklahoma shall have the right to organize for its common welfare and to adopt a constitution and bylaws, under such rules and regulations as the Secretary of the Interior may prescribe. The Secretary of the Interior may issue to any such organized group a charter of incorporation, which shall become operative when ratified by a majority vote of the adult members of the organization voting: *Provided, however*, That such election shall be void unless the total vote cast be at least 30 per centum of those entitled to vote. Such charter may convey to the incorporated group, in addition to any powers which may properly be vested in a body corporate under the laws of the State of Oklahoma, the right to participate in the revolving credit fund and to enjoy any other rights or privileges secured to an organized Indian tribe under the Act of June 18, 1934 (48 Stat. 984): *Provided*, That the corporate funds of any such chartered group may be deposited in any national bank within the State of Oklahoma or otherwise invested, utilized, or disbursed in accordance with the terms of the corporate charter.

SEC. 4. Any ten or more Indians, as determined by the official tribal rolls, or Indian descendants of such enrolled members, or Indians